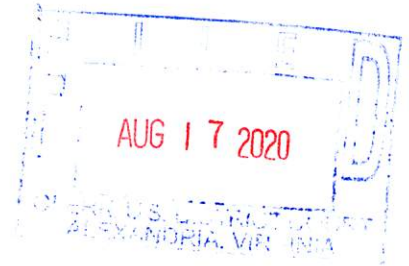


**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**



**IN RE: CAPITAL ONE CONSUMER DATA
SECURITY BREACH LITIGATION**

Kep, et al. v. Capital One Bank (USA), N.A.,)
S.D. Texas, C.A. No. 4:20-02718)

MDL No. 2915

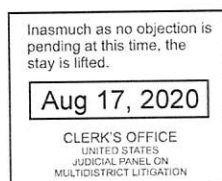
**CONDITIONAL TRANSFER ORDER (CTO 3)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On October 2, 2019, the Panel transferred 17 civil action(s) to the United States District Court for the Eastern District of Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 396 F.Supp.3d 1364 (J.P.M.L. 2019). Since that time, 27 additional action(s) have been transferred to the Eastern District of Virginia. With the consent of that court, all such actions have been assigned to the Honorable Anthony J. Trenga.

It appears that the action on this conditional transfer order comprises a claim relating to: (1) allegations concerning an incident in which an individual gained unauthorized access to the personal information, maintained on cloud-based systems, of more than 100 million Capital One credit card customers and individuals who applied for Capital One credit card products, which involve questions of fact that are common to the previously transferred MDL No. 2915 actions; and (2) allegations that defendant assigned plaintiffs' credit card account to a third party, charged them fees, and caused inaccurate information to be included in plaintiffs' credit report, which do not involve such common questions of fact.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, this action is transferred under 28 U.S.C. § 1407 to the Eastern District of Virginia for the reasons stated in the order of October 2, 2019, and, with the consent of that court, assigned to the Honorable Anthony J. Trenga. Plaintiffs' causes of action for breach of contract, slander of credit, and violations of federal Fair Debt Collections Act/Texas Finance Code, which do not relate to the recent Capital One data breach, are separated and simultaneously remanded to the Southern District of Texas.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Virginia. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:

John W. Nichols
John W. Nichols
Clerk of the Panel

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT
BY *Amada Letto*
DEPUTY CLERK